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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Items 10 (a) and 21 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Note by the Secretariat

The attention of the Commission on Human Rights is drawn to the following letter, dated 22 June 1993, addressed to the Secretary-General of the United Nations, by Mr. Jaap A. Walkate, Chairman of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture:

"Enclosed I send you suggestions for a 'Declaration on the Rights of those who seek the full Realization of the Right to be safeguarded from Torture' which I submitted to the Board of Trustees for consideration and, possibly, adoption. While finding the suggestions interesting, the Board decided that the Commission on Human Rights was a more appropriate body for considering the text. The Board, when taking this decision, took into account the fact that the Commission's Working Group on the Drafting of a 'Declaration on the Rights of Those who seek the full Realization of the Right to be safeguarded from Torture' had already made some progress in the field covered by the 'suggestions'. In fact, the 'suggestions' were inspired to a great extent by the First Reading Text of the Draft Declaration as published in document E/CN.4/1993/64.

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"The Board of Trustees has requested me to submit, through you, the 'suggestions' to the Commission on Human Rights at its fiftieth session in early 1994. It is hoped that the Commission's Working Group and, for that matter, the Commission itself, will be able to consider and, possibly, adopt the 'suggestions' at that session as they are based on many consensus-provisions of the Working Group.

"What makes the matter really urgent is the fact that torture still occurs on a worldwide scale affecting many thousands of people on a long-term basis. It is quite necessary that the United Nations is seen to act and encourage all those who may be able to contribute to the durable outlawing of this pernicious evil. It is my conviction that the Commission could and should elevate the 'suggestions' to the level of a declaration to be issued on the occasion of its fiftieth session."

(Signed): J.A. Walkate

SUGGESTIONS FOR A DECLARATION ON THE RIGHTS OF THOSE WHO SEEK THE FULL REALIZATION OF THE RIGHT TO BE SAFEGUARDED FROM TORTURE

Article 1

Everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms, **including the right of everyone to be safeguarded from torture.**

Article 2

Everyone has the right both at the national and the international level:

(a) To seek, obtain, receive and hold information about human rights and fundamental freedoms, **including the right to be safeguarded from torture and the rights of torture victims;**

(b) To publish and to share freely information and opinions about human rights and fundamental freedoms, **including those related to torture and to victims of torture;**

(c) To draw national and international public attention to violations of human rights and fundamental freedoms, **including the practice of torture.**

Article 3

Everyone has the right to propose and submit for discussion new ideas and approaches **for the total elimination of torture** and to advocate their universal acceptance.

Article 4

Everyone has the right both at the national and at the international level to form, join and participate in non-governmental organizations and to communicate with non-governmental organizations, **including those which provide aid to victims of torture.**

Article 5

Everyone has the right to submit to governmental bodies and agencies criticism and proposals for improving their functioning, **especially in efforts to safeguard against torture or to aid victims of torture.**

Article 6

Everyone has the right to participate in peaceful activities directed against violations of human rights and fundamental freedoms and the right to be protected by public authorities in the exercise of this right, **in particular if such activities are directed against the practice of torture.**

Article 7

Individuals, groups and organizations have the right to solicit, receive and utilize voluntary financial and other contributions, for the purpose of promoting and protecting human rights and fundamental freedoms and for **providing aid to victims of torture.**

Article 8

Everyone has the right to protection and recourse to effective remedies in the event of violations of human rights and fundamental freedoms, **in particular in the case of torture.** In this respect, everyone has the right to:

(a) Complain to an independent, impartial and competent judicial or other authority established by law;

(b) Obtain a just decision and award on such a complaint providing redress, including any compensation due as well as enforcement of the decision and award, all without undue delay; and

(c) Attend all relevant hearings, proceedings or trials to assess their fairness and compliance with national and international standards.

Article 9

In the defence of human rights and fundamental freedoms everyone has the right to offer and to provide assistance, including professionally qualified assistance to victims of violations of human rights and fundamental freedoms, **especially to victims of torture.**

Article 10

In the defence of human rights and fundamental freedoms everyone has the right to unhindered access to and communication with international organizations and bodies competent in the field of human rights and fundamental freedoms, **especially in cases of the alleged practice of torture.**